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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,981	12/10/2003	Masayoshi Yokoyama	F-8072	9039
28107 7590 01/10/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER JOHNSON, SHEVON ELIZABETH	
			ART UNIT 3766	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

NT

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,981	<b>Applicant(s)</b> YOKOYAMA, MASAYOSHI	
	<b>Examiner</b> Shevon E. Johnson	<b>Art Unit</b> 3766	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 is rejected under 35 U.S.C. 102(b) as anticipated by Li (U.S. Patent No. 5,318,577).**

In regards to claim 1, Li discloses a lead insertion support device 2 (col. 3, lines 26-31; fig. 1), comprising: an insertion support part 700 with elasticity and flexibility, a tip portion thereof forming in the shape of a pointed end so as to be inserted the tip part inserted into a vein without damaging the wall of the blood vessel (col. 4, lines 46-54; fig. 23); and an insertion support device body, which is made from synthetic resin material, with elasticity and flexibility, further including a connection part 300 attached one of fixedly and integrally to the insertion support part (col. 3, lines 26-31; fig. 27); a support part 100 which is formed in the shape of a rod, provided so as to project to the connection part perpendicularly (col. 4, lines 46-54; col. 6, 47-51; figs. 1 and 27); and a holding part 200, 500 attached to the tip portion of the support part, capable of be held with a finger (col. 3, lines 26-31; figs. 1).

3. **Claims 1 is rejected under 35 U.S.C. 102(b) as anticipated by Poll (U.S. Patent No. 5,364,407).**

In regards to claim 1, Poll discloses a lead insertion support device 16, comprising: an insertion support part 22 with elasticity and flexibility, a tip portion thereof forming in the shape of a pointed end so as to be inserted the tip part inserted into a vein without damaging the wall of the blood vessel; and an insertion support device body, which is made from synthetic resin material, with elasticity and flexibility, further including a connection part 34 attached one of fixedly and integrally to the insertion support part; a support part which is formed in the shape of a rod, provided so as to project to the connection part perpendicularly; and a holding part 58 attached to the tip portion of the support part, capable of be held with a finger (col. 3, line 57 – col. 4, line 50; fig. 8).

4. Claims 1 is rejected under 35 U.S.C. 102(b) as anticipated by Raines (U.S. Patent No. 4,627,843).

In regards to claim 1, Raines discloses a lead insertion support device, comprising: an insertion support part 11 with elasticity and flexibility, a tip portion thereof forming in the shape of a pointed end so as to be inserted the tip part inserted into a vein without damaging the wall of the blood vessel; and an insertion support device body, which is made from synthetic resin material, with elasticity and flexibility, further including a connection part 17 attached one of fixedly and integrally to the insertion support part; a support part 10 which is formed in the shape of a rod, provided so as to project to the connection part perpendicularly; and a holding part 14 attached to the tip portion of the support part, capable of be held with a finger (col. 3, line 57 – col. 4, line 50; fig. 8).

***Citation of Relevant Prior Art***

5. The prior art made of record and not relied upon but considered pertinent to applicant's disclosure include Moen (U.S. Patent No. 3,861,392), Littleford (U.S. Patent No. 4,166,469), Garver, Sr. (U.S. Patent No. 4,403,990), Heaven et al. (U.S. Patent No. 5,439,469), Starksen (U.S. Patent No. 5,571,161), Tockman (U.S. Patent No. 6,122,552), Gardeski (U.S. Patent No. 6,544,247), Mamo (U.S. Patent No. 6,847,849) and Peterson (U.S. Patent No. 6,928,313) discloses insertion devices, needles and related medical devices.

***Allowable Subject Matter***

6. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shevon Johnson whose telephone number is (571) 272-2010. The examiner can normally be reached on M-F (8 a.m. - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shevon Johnson  
Art Unit 3766

  
Robert Pezzuto  
Supervisory Patent Examiner  
Art Unit 3766